

REMARKS

Claims 1-11 are pending in this application. By this Amendment, Figs. 1, 5, 9 and 14 are replaced pursuant to the attached drawing sheets to correct the word “determining” misspelled in blocks corresponding to reference numbers 17a and 17b. No new matter is added by any of these amendments.

Applicant gratefully acknowledges that claims 6-11 are allowed, and that claims 4 and 5 contain allowable subject matter. However, Applicant asserts that all of claims 1-3 are also allowable for the reasons discussed below.

Reconsideration based on the following remarks is respectfully requested.

I. Request for Acknowledgement that References are Considered of Record

An Information Disclosure Statement with Form PTO-1449 was filed on May 23, 2005. Applicant respectfully requests the Examiner to initial and return to the undersigned the Form PTO-1449 to acknowledge the fact that the Examiner has considered the cited disclosed information.

For the convenience of the Examiner, a copy of that form and the PTO date-stamped receipt is attached.

II. Claims 1-3 Define Patentable Subject Matter

The Office Action rejects claims 1-3 under 35 U.S.C. §103(a) over U.S. Patent 6,028,509 to Rice in view of U.S. Patent 5,510,765 to Madau. This rejection is respectfully traversed.

Rice and Madau, alone or in combination, do not teach or suggest a security device comprising an impact sensing unit for sensing an impact to output an impact sensing signal; a sound pressure sensing unit for sensing a sound pressure to output a sound pressure sensing signal; an abnormal degree determination unit for determining an abnormal degree on the basis of a level of the impact sensing signal and a level of the sound pressure sensing signal to

output a determination result; and an alerting process unit for performing a predetermined alerting process on the basis of the determination result, as recited in claim 1. This applies by extension to claims 2 and 3 based on their dependence from claim 1.

Instead, Rice discloses an alarm system 10 for a vehicle 12 with a temperature sensor 14 and a microphone 20. In particular, Rice teaches an AND gate 28 to receive signals from the temperature and sound measuring circuits 16, 22 leading to a reset timer 32. A blocking diode 34 receives the reset timer output to enable a pulsing circuit 36 to generate a signal for an output circuit 38 of a horn 40 (col. 2, lines 53-65, col. 3, lines 1-17 and Fig. 1 of Rice). The combination of these signals provides for a vehicle alarm when a trapped occupant (indicated by audibly denoted complaints) is subjected to severe discomfort (as measured by the temperature sensor).

Also, Madau does not compensate for the deficiencies of Rice. Instead, Madau discloses a vehicle intruder security sensor using an acoustic monitor 100 with a microphone 102. In particular, Madau teaches using output signals from the microphone 102 to pass through an amplifier 104 to an energy channel 105. Bypass filter circuits 106, 108 divide the signal content into two frequency bands to detect glass breakage (col. 6, lines 3-26 and Fig. 1 of Madau).

Further, there is no motivation to combine features related to the AND circuit for temperature and audio signals of Rice with the frequency subdivision of Madau. The Office Action has not established sufficient motivation for a *prima facie* case of obviousness. Even assuming that motivation to combine the applied references is established, the combination fails to teach or suggest Applicant's claimed features.

The Office Action asserts at page 2 that an artisan of ordinary skill would consider combining the teachings of Rice and Madau to have been obvious "because they both teach a security system."

However, Applicant respectfully disagrees and submits that this allegation is improper because there is no teaching or suggestion to substitute the impact sensing unit of Madau for the temperature sensing unit of Rice.

A *prima facie* case of obviousness for a §103 rejection requires satisfaction of three basic criteria: there must be some suggestion or motivation either in the references or knowledge generally available to modify the references or combine reference teachings, a reasonable expectation of success, and the references must teach or suggest all the claim limitations (MPEP §706.02(j)). Applicant asserts that the Office Action fails to satisfy these requirements with Rice and Madau.

Applicant respectfully asserts that the proposed replacement of the temperature sensor of Rice with the means for determining glass breakage of Madau would alter the principle operation of Rice. The teachings of Rice are directed to signaling an environmental hazard to a hapless occupant trapped in a vehicle, while the teachings of Madau are directed to signaling an intrusion from outside the vehicle.

In particular, Rice discloses that “[i]t is therefore an object of the present invention to provide an alarm system for the interior of a vehicle which is responsive to the combination of a high temperature condition as well as a sound intensity condition which may be produced by a living entity therein” (emphasis added, col. 2, lines 12-16 of Rice).

According to Rice’s disclosure, the temperature sensing unit is essential to the system taught by Rice. If the temperature sensing unit of Rice is replaced with the impact sensing unit of Madau, the Rice system cannot operate in response to the high temperature condition, thereby defeating its intended purpose and rendering it inoperative.

Moreover, Applicant submits that Impact detection in Rice would be entirely irrelevant, for then the occupant could escape the vehicle confines and not require an alarm

with which to solicit rescue. Similarly, the frequency band splitting of Madau provides no benefit in Rice, thus motivating away from combining these teachings.

It is a well established principle that “[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” (*In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959), MPEP §2143.01)

For at least these reasons, Applicant respectfully asserts that independent claim 1 is patentable over the applied references. Dependent claims 2 and 3 are likewise patentable over the applied references for at least the reasons discussed, as well as for the additional features they recite.

Consequently, all the claims are in condition for allowance. Thus, Applicant respectfully requests that the rejection under 35 U.S.C. §103 be withdrawn.

III. Conclusion

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,



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JAO:GWT/gwt

Attachments:

Replacement Sheets (Figs. 1, 5, 9 and 14)
Copy of earlier filed PTO-1449
Copy of stamped receipt for Information Disclosure Statement

Date: July 6, 2005

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<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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Amendments to the Drawings:

The attached replacement drawing sheets makes changes to Figs. 1, 5, 9 and 14 and replaces the original sheets with Figs. 1, 5, 9 and 14.

Attachment: Replacement Sheets (Figs. 1, 5, 9 and 14)